

Applicant(s): Chi Vu et al.
U.S.S.N.: 10/552,306

REMARKS

This is in reply to the non-final office action mailed December 10, 2009.

Applicants have canceled claims 6, 18 and 26 and amended claims 1, 3, 9, 20-21 and 29 to more clearly and distinctly point out the subject matter of the claimed invention.

Support for these amendments can be found throughout the specification as originally filed, for example, on p. 2, line 1, p. 4, lines 7-8, and in Example 1-28 and original claims 30-32. Thus, claims 1-5, 7-17, 19-25, 27-34 and 47-53 are currently pending. No new matter has been added by these amendments. Please consider the following remarks.

Claim Objections

Claims 1, 3, 29 and 30 are objected to because of informalities. First, Claim 1 allegedly contains an improper structure of Formula (I) which contains an impossible valency on a central nitrogen atom. Claim 1 has been amended and now recites the formula (I) structure described on p. 2 of the specification as originally filed.

Claims 3 and 30 are objected to for ending with a semicolon and not a period. As amended, claims 3 and 30 end in a period.

Lastly, 29 is objected to for allegedly containing non-elected subject matter within the claim, i.e., variable “A”. As amended, claim 29 no longer recites A.

In light of the above arguments and amendments, Applicants submit that the Examiner’s objections have been overcome and respectfully request withdrawal and reconsideration.

Rejection Under 35 U.S.C. §112, 1st Paragraph

Claims 1-34 and 47-53 are rejected under 35 U.S.C. §112, 1st paragraph for lack of enablement. Specifically, the Examiner contends that “while being enabling for a triazolopyrimidine where R² and R³ are hydrogen or alkyl”, the specification does not reasonably provide enablement for all of the other groups listed for R² and R³ within claim 1. As amended, claim 1 now recites R² and R³ as hydrogen or alkyl. Accordingly, Applicants submit that the above enablement rejection is moot and respectfully request reconsideration and withdrawal.

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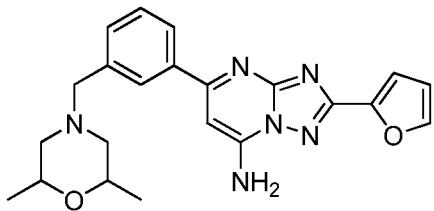
Rejection Under 35 U.S.C. §112, 2nd Paragraph

Claim 1 is rejected under 35 U.S.C. §112, 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the present invention.

First, the Examiner alleges that claim 1 has deleted the terms “aryl or heteroaryl” and that the definition of A is now “null.” As amended, claim 1 properly defines A as 2-furanyl. Second, the Examiner alleges that the term “hydrogen” within the definition of X¹ and X² is impossible to be bonded to groups such as -L-X²-Y-R¹ or -Y-R¹ because hydrogen is monovalent. As amended, claim 1 no longer recites hydrogen for either X¹ or X². Accordingly, Applicants submit that the above indefiniteness rejection is now moot and respectfully request withdrawal and reconsideration.

Rejection Under 35 U.S.C. §102

Claim 1 is rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Arai et al. (WO 2003/020723) (“Arai”). Specifically, the Examiner contends that the following compound is found in the prior art:



and allegedly reads upon formula (I). Arai refers to [1,2,4]triazolo[1,5-a]pyrimidine derivatives including the above compound. Without acquiescing to the Examiner’s position, Applicants have amended claim 1 which no longer encompasses the above compound or its derivatives. Accordingly, Applicants submit that amended claim 1 (and its dependent claims) are novel in view of Arai. Applicants respectfully request withdrawal and reconsideration of the above anticipation rejection.

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Conclusion

Applicants submit the application is in condition for allowance, which action is requested.

Respectfully submitted,

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